

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/624,732	SULLIVAN, GERARD P.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James H. Zurita	3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 November 2005.
2. ☒ The allowed claim(s) is/are 55-70.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Prosecution History***

The Examiner presents the following to clarify the record:

On 25 July 2000, applicant filed the instant application and claimed priority to provisional application 60/181718, filed 11 February 2000.

On 17 September 2001, the Examiner rejected claims 1-29.

On 17 January 2002, applicant cancelled claims 1, 9 and 12. Applicant added claims 30-47.

On 19 April 2002, the Examiner issued a final rejection.

On 8 October 2002, the Examiner issued a supplemental final rejection

On 14 April 2003, Applicant filed a notice of appeal.

On 30 June 2003, applicant filed a request for continuing examination. Applicant also submitted an amendment to the claims, a response to the final rejection, and a declaration under 37 CFR 1.132.

On 16 December 2003, applicant submitted a supplemental amendment, canceling claims 2-7, 36 and 41.

On 2 January 2004, the Examiner issued a non-final rejection, rejecting claims 8, 10-11, 13-35, 37-40, 42-47.

On 7 July 2004, Applicant added claims 49-54.

On 12 October 2004, applicant submitted a supplemental amendment-response and another declaration under 37 CFR 1.132.

On 30 December 2004, the Examiner issued a final rejection.

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On 5 July 2005, applicant filed a second request for continuing examination.

Applicant requested an interview prior to action of the new claims 55-70.

On 24 October 2005, the Examiner met with applicant and counsel.

On 31 October 2005, the Examiner issued a requirement for information under 37 CFR 1.105.

On 14 November 2005, applicant responded that the information is unknown.

Applicant submitted a corrected version of claims 55-70.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 14 November 2005 has been entered.

#### ***Response to Amendment***

On 27 July 2005, Applicant cancelled remaining claims 8, 10, 11, 13-35, 37-40 and 42-54. Applicant added claims 55-70.

Claims 55-70 are pending and allowed.

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance for claim 55.

Applicant's remarks in his response of 5 July 2005, combined with applicant's response to the requirement for information under 37 CFR 1.105 are commensurate with both the original disclosure and the claims as amended.

New searches were carried out based on amended claim language.

**Claim 55**

Additional searches show that the prior art of record neither anticipates not fairly and reasonably teaches methods that include the steps of:

(e) calculating, using the data processing system, an industry size for each industry group for which at least one security in the universe of securities has been classified into the industry group by summing the values of the securities assigned to said industry group;

(f) calculating, using the data processing system, relative industry size for each industry group for which at least one security in the universe of securities has been classified into the industry group by dividing the industry size for the industry group by the population size of the entire population of securities...

The closest patent prior art, Fox, (US 5132899) fails to disclose calculating an industry size and calculating a relative industry size for each industry group as claimed by applicant.

The closest non-patent literature (Harrell) discloses various percentages claimed, but does not disclose the features of claim 55.

***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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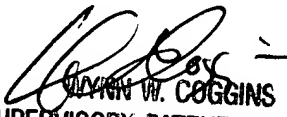
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JZ*  
**James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
2 February 2006

  
**WYNN W. COGGINS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**